

AMENDED IN ASSEMBLY APRIL 7, 2015
AMENDED IN ASSEMBLY MARCH 17, 2015
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 379

Introduced by Assembly Member Gordon

February 18, 2015

An act to amend Sections 48853, 48853.5, 49069.5, 51225.1, and 51225.2 ~~of of~~, and to amend the heading of Chapter 5.5 (commencing with Section 48850) of Part 27 of Division 4 of Title 2 of the Education Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 379, as amended, Gordon. Foster youth: complaint of noncompliance.

(1) Existing law requires certain pupils placed in a licensed children's institution or foster family home to attend programs operated by the local educational agency unless a specified condition applies. Existing law authorizes certain foster children living in emergency shelters to receive educational services at the emergency shelter as necessary for short periods of time for specified reasons. Existing law requires that all educational and school placement decisions be based on the best interests of the child.

This bill would specify that the short period of time described above not exceed 5 schooldays. The bill would specify that all educational and school placement decisions are required to be based on the best interests of the child as determined by the parent or guardian, or other person holding the right to make educational decisions for the pupil. The bill would authorize the filing of a complaint of noncompliance

with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would require compensatory educational services to be awarded to a pupil if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding school placement, as specified. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(2) Existing law requires each local educational agency, as defined, to designate a staff person as the educational liaison for foster children, as defined. Existing law requires the educational liaison to ensure and facilitate the proper educational placement, enrollment in school, and checkout from school of foster children, and to assist foster children when transferring from one school to another school or from one school district to another school district in ensuring the proper transfer of credits, records, and grades.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would require compensatory educational services to be awarded to a pupil if a decision of either the local educational agency or the State Department of Education determines that the local educational agency has violated a pupil's right to immediate enrollment or a pupil's right to remain in his or her school of origin pending resolution of a dispute regarding the request of a foster child to remain in the school of origin, as specified. The bill would also require information regarding the requirements of these provisions relating to educational and school placements of certain foster youth to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(3) Existing law establishes procedures for the transfer of pupils in foster care between schools and, among other things, requires the local educational agency from which the pupil is transferring to compile the complete educational record of the pupil, including, among other things,

full or partial credits earned and current classes and grades, and to deliver the educational information and records of the pupil to the next educational placement.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of these provisions relating to the transfer of pupils in foster care between schools to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(4) Existing law requires a school district, except as provided, to exempt a pupil in foster care, as defined, or a pupil who is a homeless child or youth, as defined, who transfers between schools any time after the completion of the pupil's 2nd year of high school from all coursework and other requirements adopted by the governing board of the school district that are in addition to certain statewide coursework requirements. Existing law requires the school district to notify specified individuals, including a pupil in foster care or a pupil who is a homeless child or youth, within 30 calendar days of the date that the pupil who may qualify for the exemption from local graduation requirements transfers into a school, that the pupil qualifies for that exemption.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations, except as otherwise specified. The bill would also require information regarding the requirements of these provisions relating to exempting certain pupils from specified coursework to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(5) Existing law requires a school district and county office of education to accept coursework satisfactorily completed by a pupil in foster care or a pupil who is a homeless child while attending another public school, a juvenile court school, or a nonpublic, nonsectarian school or agency even if the pupil did not complete the entire course and requires the school district and county office of education to issue the pupil full or partial credit for the coursework completed. Existing law requires those credits accepted to be applied to the same or equivalent course, if applicable, as the coursework completed in the

prior public school, juvenile court school, or nonpublic, nonsectarian school or agency.

This bill would authorize the filing of a complaint of noncompliance with these provisions to be filed with the local educational agency under the Uniform Complaint Procedures set forth in the California Code of Regulations. The bill would also require information regarding the requirements of these provisions relating to the requirement that local educational agencies accept coursework satisfactorily completed by certain pupils, as specified, to be included in a specified annual notification. By imposing additional requirements on local educational agencies, this bill would impose a state-mandated local program.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. The heading of Chapter 5.5 (commencing with*
2 *Section 48850) of Part 27 of Division 4 of Title 2 of the Education*
3 *Code is amended to read:*

4
5 CHAPTER 5.5.
6 ~~EDUCATIONAL PLACEMENT OF PUPILS RESIDING IN LICENSED CHILDREN'S INSTITUTIONS~~
7 *EDUCATION OF PUPILS IN FOSTER CARE AND PUPILS WHO ARE*
8 HOMELESS

9
10 ~~SECTION 1.~~
11 *SEC. 2.* Section 48853 of the Education Code is amended to
12 read:
13 48853. (a) A pupil described in subdivision (a) of Section
14 48853.5 who is placed in a licensed children's institution or foster
15 family home shall attend programs operated by the local
16 educational agency, unless one of the following applies:

1 (1) The pupil is entitled to remain in his or her school of origin
2 pursuant to paragraph (1) of subdivision (d) of Section 48853.5.

3 (2) The pupil has an individualized education program requiring
4 placement in a nonpublic, nonsectarian school or agency, or in
5 another local educational agency.

6 (3) The parent or guardian, or other person holding the right to
7 make educational decisions for the pupil pursuant to Section 361
8 or 726 of the Welfare and Institutions Code or Section 56055,
9 determines that it is in the best interests of the pupil to be placed
10 in another educational program, in which case the parent or
11 guardian or other person holding the right to make educational
12 decisions for the pupil shall provide a written statement that he or
13 she has made that determination to the local educational agency.
14 This statement shall include a declaration that the parent, guardian,
15 or other person holding the right to make educational decisions
16 for the pupil is aware of all of the following:

17 (A) The pupil has a right to attend a regular public school in the
18 least restrictive environment.

19 (B) The alternate education program is a special education
20 program, if applicable.

21 (C) The decision to unilaterally remove the pupil from the
22 regular public school and to place the pupil in an alternate
23 education program may not be financed by the local educational
24 agency.

25 (D) Any attempt to seek reimbursement for the alternate
26 education program may be at the expense of the parent, guardian,
27 or other person holding the right to make educational decisions
28 for the pupil.

29 (b) For purposes of ensuring a parent, guardian, or other person
30 holding the right to make educational decisions for the pupil is
31 aware of the information described in subparagraphs (A) to (D),
32 inclusive, of paragraph (3) of subdivision (a), the local educational
33 agency may provide him or her with that information in writing.

34 (c) Before any decision is made to place a pupil in a juvenile
35 court school as defined by Section 48645.1, a community school
36 as described in Sections 1981 and 48660, or other alternative
37 educational setting, the parent or guardian, or person holding the
38 right to make educational decisions for the pupil pursuant to
39 Section 361 or 726 of the Welfare and Institutions Code or Section
40 56055, shall first consider placement in the regular public school.

(d) If any dispute arises as to the school placement of a pupil subject to this section, the pupil has the right to remain in his or her school of origin, as defined in subdivision (e) of Section 48853.5, pending resolution of the dispute. The dispute shall be resolved in accordance with the existing dispute resolution process available to any pupil served by the local educational agency.

(e) This section does not supersede other laws that govern pupil expulsion.

(f) This section does not supersede any other law governing the educational placement in a juvenile court school, as defined by Section 48645.1, of a pupil detained in a county juvenile hall, or committed to a county juvenile ranch, camp, forestry camp, or regional facility.

(g) (1) Foster children living in emergency shelters, as referenced in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.), may receive educational services at the emergency shelter as necessary for short periods of time, not to exceed five schooldays, for either of the following reasons:

(A) For health and safety emergencies.

(B) To provide temporary, special, and supplementary services to meet the child's unique needs if a decision regarding whether it is in the child's best interests to attend the school of origin cannot be made promptly, it is not practical to transport the child to the school of origin, and the child would otherwise not receive educational services.

(2) The educational services may be provided at the shelter pending a determination by the person holding the right regarding the educational placement of the child.

(h) All educational and school placement decisions shall be made to ensure that the child is placed in the least restrictive educational programs and has access to academic resources, services, and extracurricular and enrichment activities that are available to all pupils. In all instances, educational and school placement decisions shall be based on the best interests of the child as determined by the parent or guardian, or other person holding the right to make educational decisions for the pupil.

(i) (1) A complaint of noncompliance with the requirements of this section may be filed with the local educational agency under the Uniform Complaint Procedures set forth in Chapter 5.1

1 (commencing with Section 4600) of Division 1 of Title 5 of the
2 California Code of Regulations.

3 (A) Within five schooldays of receiving a complaint alleging a
4 violation of a pupil's right to remain in his or her school of origin
5 pending resolution of a dispute regarding school placement,
6 pursuant to subdivision (d), the local educational agency shall
7 conduct a complete investigation and prepare a written local
8 educational agency decision. The investigation and decision shall
9 comply with the requirements of subdivisions (b) to (d), inclusive,
10 of, and paragraphs (1) to (7), inclusive, of subdivision (e) of,
11 Section 4631 of Title 5 of the California Code of Regulations.

12 (B) All other complaints of noncompliance with the
13 requirements of this section shall be investigated and determined
14 by the local educational agency in accordance with the timelines
15 provided in Section 4631 of Title 5 of the California Code of
16 Regulations.

17 (2) A complainant not satisfied with the decision of a local
18 educational agency may appeal the decision to the department
19 pursuant to Chapter 5.1 (commencing with Section 4600) of
20 Division 1 of Title 5 of the California Code of Regulations.

21 (A) If the complainant appeals a local educational agency
22 decision regarding an alleged violation of a pupil's right to remain
23 in his or her school of origin pending resolution of a dispute
24 regarding school placement, pursuant to subdivision (d), the
25 department shall issue a written decision regarding the appeal
26 within 30 days of the department's receipt of the appeal.

27 (B) For all other appeals from local educational agency decisions
28 related to this section, the department shall issue a written decision
29 regarding the appeal within 60 days of the department's receipt of
30 the appeal.

31 (3) If a decision of either the local educational agency or the
32 department determines that the local educational agency has
33 violated a pupil's right to remain in his or her school of origin
34 pending resolution of a dispute regarding school placement,
35 pursuant to subdivision (d), and that violation has interrupted the
36 pupil's school attendance, the pupil shall be awarded compensatory
37 educational services. *It is the intent of the Legislature that these*
38 *services be provided to assist pupils in their transition to the school*
39 *setting following an interruption in school attendance and to*
40 *compensate for missed instruction. Compensatory educational*

1 *services may include, but are not limited to, social-emotional*
2 *supports, such as counseling, and academic supports, including*
3 *tutoring and academic counseling.*

4 (4) Information regarding the requirements of this section shall
5 be included in the annual notification distributed to, among others,
6 pupils, parents or guardians of pupils, employees, and other
7 interested parties pursuant to Section 4622 of Title 5 of the
8 California Code of Regulations.

9 ~~SEC. 2.~~

10 SEC. 3. Section 48853.5 of the Education Code is amended to
11 read:

12 48853.5. (a) This section applies to a foster child. “Foster
13 child” means a child who has been removed from his or her home
14 pursuant to Section 309 of the Welfare and Institutions Code, is
15 the subject of a petition filed under Section 300 or 602 of the
16 Welfare and Institutions Code, or has been removed from his or
17 her home and is the subject of a petition filed under Section 300
18 or 602 of the Welfare and Institutions Code.

19 (b) Each local educational agency shall designate a staff person
20 as the educational liaison for foster children. In a school district
21 that operates a foster children services program pursuant to Chapter
22 11.3 (commencing with Section 42920) of Part 24 of Division 3,
23 the educational liaison shall be affiliated with the local foster
24 children services program. The educational liaison shall do all of
25 the following:

26 (1) Ensure and facilitate the proper educational placement,
27 enrollment in school, and checkout from school of foster children.

28 (2) Assist foster children when transferring from one school to
29 another school or from one school district to another school district
30 in ensuring proper transfer of credits, records, and grades.

31 (c) If so designated by the superintendent of the local educational
32 agency, the educational liaison shall notify a foster child’s attorney
33 and the appropriate representative of the county child welfare
34 agency of pending expulsion proceedings if the decision to
35 recommend expulsion is a discretionary act, pending proceedings
36 to extend a suspension until an expulsion decision is rendered if
37 the decision to recommend expulsion is a discretionary act, and,
38 if the foster child is an individual with exceptional needs, pending
39 manifestation determinations pursuant to Section 1415(k) of Title
40 20 of the United States Code if the local educational agency has

1 proposed a change in placement due to an act for which the
2 decision to recommend expulsion is at the discretion of the
3 principal or the district superintendent of schools.

4 (d) This section does not grant authority to the educational
5 liaison that supersedes the authority granted under state and federal
6 law to a parent or legal guardian retaining educational rights, a
7 responsible adult appointed by the court to represent the child
8 pursuant to Section 361 or 726 of the Welfare and Institutions
9 Code, a surrogate parent, or a foster parent exercising the authority
10 granted under Section 56055. The role of the educational liaison
11 is advisory with respect to placement decisions and determination
12 of the school of origin.

13 (e) (1) At the initial detention or placement, or any subsequent
14 change in placement of a foster child, the local educational agency
15 serving the foster child shall allow the foster child to continue his
16 or her education in the school of origin for the duration of the
17 jurisdiction of the court.

18 (2) If the jurisdiction of the court is terminated before the end
19 of an academic year, the local educational agency shall allow a
20 former foster child who is in kindergarten or any of grades 1 to 8,
21 inclusive, to continue his or her education in the school of origin
22 through the duration of the academic school year.

23 (3) (A) If the jurisdiction of the court is terminated while a
24 foster child is in high school, the local educational agency shall
25 allow the former foster child to continue his or her education in
26 the school of origin through graduation.

27 (B) For purposes of this paragraph, a school district is not
28 required to provide transportation to a former foster child who has
29 an individualized education program that does not require
30 transportation as a related service and who changes residence but
31 remains in his or her school of origin pursuant to this paragraph,
32 unless the individualized education program team determines that
33 transportation is a necessary related service.

34 (4) To ensure that the foster child has the benefit of matriculating
35 with his or her peers in accordance with the established feeder
36 patterns of school districts, if the foster child is transitioning
37 between school grade levels, the local educational agency shall
38 allow the foster child to continue in the school district of origin in
39 the same attendance area, or, if the foster child is transitioning to
40 a middle school or high school, and the school designated for

1 matriculation is in another school district, to the school designated
2 for matriculation in that school district.

3 (5) Paragraphs (2), (3), and (4) do not require a school district
4 to provide transportation services to allow a foster child to attend
5 a school or school district, unless otherwise required under federal
6 law. This paragraph does not prohibit a school district from, at its
7 discretion, providing transportation services to allow a foster child
8 to attend a school or school district.

9 (6) The educational liaison, in consultation with, and with the
10 agreement of, the foster child and the person holding the right to
11 make educational decisions for the foster child, may recommend,
12 in accordance with the foster child's best interests, that the foster
13 child's right to attend the school of origin be waived and the foster
14 child be enrolled in a public school that pupils living in the
15 attendance area in which the foster child resides are eligible to
16 attend.

17 (7) Before making a recommendation to move a foster child
18 from his or her school of origin, the educational liaison shall
19 provide the foster child and the person holding the right to make
20 educational decisions for the foster child with a written explanation
21 stating the basis for the recommendation and how the
22 recommendation serves the foster child's best interest.

23 (8) (A) If the educational liaison, in consultation with the foster
24 child and the person holding the right to make educational decisions
25 for the foster child, agrees that the best interests of the foster child
26 would best be served by his or her transfer to a school other than
27 the school of origin, the foster child shall immediately be enrolled
28 in the new school.

29 (B) The new school shall immediately enroll the foster child
30 even if the foster child has outstanding fees, fines, textbooks, or
31 other items or moneys due to the school last attended or is unable
32 to produce clothing or records normally required for enrollment,
33 such as previous academic records, medical records, including,
34 but not limited to, records or other proof of immunization history
35 pursuant to Chapter 1 (commencing with Section 120325) of Part
36 2 of Division 105 of the Health and Safety Code, proof of
37 residency, other documentation, or school uniforms.

38 (C) Within two business days of the foster child's request for
39 enrollment, the educational liaison for the new school shall contact
40 the school last attended by the foster child to obtain all academic

1 and other records. The last school attended by the foster child shall
2 provide all required records to the new school regardless of any
3 outstanding fees, fines, textbooks, or other items or moneys owed
4 to the school last attended. The educational liaison for the school
5 last attended shall provide all records to the new school within two
6 business days of receiving the request.

7 (9) If a dispute arises regarding the request of a foster child to
8 remain in the school of origin, the foster child has the right to
9 remain in the school of origin pending resolution of the dispute.
10 The dispute shall be resolved in accordance with the existing
11 dispute resolution process available to a pupil served by the local
12 educational agency.

13 (10) The local educational agency and the county placing agency
14 are encouraged to collaborate to ensure maximum use of available
15 federal moneys, explore public-private partnerships, and access
16 any other funding sources to promote the well-being of foster
17 children through educational stability.

18 (11) It is the intent of the Legislature that this subdivision shall
19 not supersede or exceed other laws governing special education
20 services for eligible foster children.

21 (f) For purposes of this section, “school of origin” means the
22 school that the foster child attended when permanently housed or
23 the school in which the foster child was last enrolled. If the school
24 the foster child attended when permanently housed is different
25 from the school in which the foster child was last enrolled, or if
26 there is some other school that the foster child attended with which
27 the foster child is connected and that the foster child attended
28 within the immediately preceding 15 months, the educational
29 liaison, in consultation with, and with the agreement of, the foster
30 child and the person holding the right to make educational decisions
31 for the foster child, shall determine, in the best interests of the
32 foster child, the school that shall be deemed the school of origin.

33 (g) This section does not supersede other law governing the
34 educational placements in juvenile court schools, as described in
35 Section 48645.1, by the juvenile court under Section 602 of the
36 Welfare and Institutions Code.

37 (h) (1) A complaint of noncompliance with the requirements
38 of this section may be filed with the local educational agency under
39 the Uniform Complaint Procedures set forth in Chapter 5.1

1 (commencing with Section 4600) of Division 1 of Title 5 of the
2 California Code of Regulations.

3 (A) Within five schooldays of receiving a complaint alleging a
4 violation of a pupil's right to immediate enrollment pursuant to
5 paragraph (8) of subdivision (e), the local educational agency shall
6 conduct a complete investigation and prepare a written local
7 educational agency decision. The investigation and decision shall
8 comply with the requirements of subdivisions (b) to (d), inclusive,
9 of, and paragraphs (1) to (7), inclusive, of subdivision (e) of,
10 Section 4631 of Title 5 of the California Code of Regulations.

11 (B) Within five schooldays of receiving a complaint alleging a
12 violation of a pupil's right to remain in his or her school of origin
13 pending resolution of a dispute regarding the request of a foster
14 child to remain in the school of origin, pursuant to paragraph (9)
15 of subdivision (e), the local educational agency shall conduct a
16 complete investigation and prepare a written local educational
17 agency decision. The investigation and decision shall comply with
18 the requirements of subdivisions (b) to (d), inclusive, of, and
19 paragraphs (1) to (7), inclusive, of subdivision (e) of, Section 4631
20 of Title 5 of the California Code of Regulations.

21 (C) All other complaints of noncompliance with the
22 requirements of this section shall be investigated and determined
23 by the local educational agency in accordance with the timelines
24 provided in Section 4631 of Title 5 of the California Code of
25 Regulations.

26 (2) A complainant not satisfied with the decision of a local
27 educational agency may appeal the decision to the department
28 pursuant to Chapter 5.1 (commencing with Section 4600) of
29 Division 1 of Title 5 of the California Code of Regulations.

30 (A) If the complainant appeals a local educational agency
31 decision regarding an alleged violation of the right to immediate
32 enrollment pursuant to paragraph (8) of subdivision (e), the
33 department shall issue a written decision regarding the appeal
34 within 30 days of the department's receipt of the appeal.

35 (B) If the complainant appeals a local educational agency
36 decision regarding an alleged violation of a pupil's right to remain
37 in his or her school of origin pending resolution of a dispute
38 regarding the request of a foster child to remain in the school of
39 origin, pursuant to paragraph (9) of subdivision (e), the department

1 shall issue a written decision regarding the appeal within 30 days
2 of the department's receipt of the appeal.

3 (C) For all other appeals from local educational agency decisions
4 related to this section, the department shall issue a written decision
5 regarding the appeal within 60 days of the department's receipt of
6 the appeal.

7 (3) If a decision of either the local educational agency or the
8 department determines that the local educational agency has
9 violated a pupil's right to immediate enrollment, pursuant to
10 paragraph (8) of subdivision (e), or has violated a pupil's right to
11 remain in his or her school of origin pending resolution of a dispute
12 regarding the request of a foster child to remain in the school of
13 origin, pursuant to paragraph (9) of subdivision (e), and that
14 violation has interrupted the pupil's school attendance, the pupil
15 shall be awarded compensatory educational services. *It is the intent*
16 *of the Legislature that these services be provided to assist pupils*
17 *in their transition to the school setting following an interruption*
18 *in school attendance and to compensate for missed instruction.*
19 *Compensatory educational services may include, but are not*
20 *limited to, social-emotional supports, such as counseling, and*
21 *academic supports, including tutoring and academic counseling.*

22 (4) Information regarding the requirements of this section shall
23 be included in the annual notification distributed to, among others,
24 pupils, parents or guardians of pupils, employees, and other
25 interested parties pursuant to Section 4622 of Title 5 of the
26 California Code of Regulations.

27 ~~SEC. 3.~~

28 SEC. 4. Section 49069.5 of the Education Code is amended to
29 read:

30 49069.5. (a) The Legislature finds and declares all of the
31 following:

32 (1) The mobility of pupils in foster care often disrupts their
33 educational experience.

34 (2) Efficient transfer procedures and transfer of pupil records
35 is a critical factor in the swift placement of foster children in
36 educational settings.

37 (3) Pupils who have had contact with the juvenile justice system
38 are often denied credit or partial credit earned during enrollment
39 in juvenile court schools. Delays in school enrollment and loss of

1 earned credit can result in improper class or school placement,
2 denial of special education services, and school dropout.

3 (b) The proper and timely transfer between schools of pupils in
4 foster care is the responsibility of both the local educational agency,
5 including the county office of education for pupils in foster care
6 who are enrolled in juvenile court schools, and the county placing
7 agency, which includes the county probation department.

8 (c) As soon as the county placing agency or county office of
9 education becomes aware of the need to transfer a pupil in foster
10 care out of his or her current school, the county placing agency or
11 county office of education shall contact the appropriate person at
12 the local educational agency of the pupil. The county placing
13 agency shall notify the local educational agency of the date that
14 the pupil will be leaving the school and request that the pupil be
15 transferred out.

16 (d) Upon receiving a transfer request from a county placing
17 agency or notification of enrollment from the new local educational
18 agency, the local educational agency receiving the transfer request
19 or notification shall, within two business days, transfer the pupil
20 out of school and deliver the educational information and records
21 of the pupil to the next educational placement.

22 (e) As part of the transfer process described under subdivisions
23 (c) and (d), the local educational agency shall compile the complete
24 educational record of the pupil, including a determination of seat
25 time, full or partial credits earned, current classes and grades,
26 immunization and other records, and, if applicable, a copy of the
27 pupil's plan adopted pursuant to Section 504 of the federal
28 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794) or individualized
29 education program adopted pursuant to the federal Individuals
30 with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

31 (f) The local educational agency shall assign the duties listed
32 in this section to a person competent to handle the transfer
33 procedure and who is aware of the specific educational
34 recordkeeping needs of homeless, foster, and other transient
35 children who transfer between schools.

36 (g) The local educational agency shall ensure that, if the pupil
37 in foster care is absent from school due to a decision to change the
38 placement of a pupil made by a court or placing agency, the grades
39 and credits of the pupil will be calculated as of the date the pupil

1 left school and no lowering of grades will occur as a result of the
2 absence of the pupil under these circumstances.

3 (h) The local educational agency shall ensure that, if the pupil
4 in foster care is absent from school due to a verified court
5 appearance or related court ordered activity, no lowering of his or
6 her grades will occur as a result of the absence of the pupil under
7 these circumstances.

8 (i) (1) A complaint of noncompliance with the requirements of
9 this section may be filed with the local educational agency under
10 the Uniform Complaint Procedures set forth in Chapter 5.1
11 (commencing with Section 4600) of Division 1 of Title 5 of the
12 California Code of Regulations.

13 (2) A complainant not satisfied with the decision of a local
14 educational agency may appeal the decision to the department
15 pursuant to Chapter 5.1 (commencing with Section 4600) of
16 Division 1 of Title 5 of the California Code of Regulations and
17 shall receive a written decision regarding the appeal within 60
18 days of the department's receipt of the appeal.

19 (3) Information regarding the requirements of this section shall
20 be included in the annual notification distributed to, among others,
21 pupils, parents or guardians of pupils, employees, and other
22 interested parties pursuant to Section 4622 of Title 5 of the
23 California Code of Regulations.

24 (j) For purposes of this section, the following definitions apply:

25 (1) "County placing agency" means a county social services
26 department or county probation department.

27 (2) "Local educational agency" means a school district, a county
28 office of education, a charter school participating as a member of
29 a special education local plan area, or a special education local
30 plan area.

31 (3) "Pupil in foster care" means a child who has been removed
32 from his or her home pursuant to Section 309 of the Welfare and
33 Institutions Code, is the subject of a petition filed under Section
34 300 or 602 of the Welfare and Institutions Code, or has been
35 removed from his or her home and is the subject of a petition filed
36 under Section 300 or 602 of the Welfare and Institutions Code.

37 ~~SEC. 4.~~

38 *SEC. 5.* Section 51225.1 of the Education Code is amended to
39 read:

1 51225.1. (a) Notwithstanding any other law, a school district
2 shall exempt a pupil in foster care, as defined in Section 51225.2,
3 or a pupil who is a homeless child or youth, as defined in Section
4 11434a(2) of Title 42 of the United States Code, who transfers
5 between schools any time after the completion of the pupil's second
6 year of high school from all coursework and other requirements
7 adopted by the governing board of the school district that are in
8 addition to the statewide coursework requirements specified in
9 Section 51225.3, unless the school district makes a finding that
10 the pupil is reasonably able to complete the school district's
11 graduation requirements in time to graduate from high school by
12 the end of the pupil's fourth year of high school.

13 (b) If the school district determines that the pupil in foster care,
14 or the pupil who is a homeless child or youth, is reasonably able
15 to complete the school district's graduation requirements within
16 the pupil's fifth year of high school, the school district shall do all
17 of the following:

18 (1) Inform the pupil of his or her option to remain in school for
19 a fifth year to complete the school district's graduation
20 requirements.

21 (2) Inform the pupil, and the person holding the right to make
22 educational decisions for the pupil, about how remaining in school
23 for a fifth year to complete the school district's graduation
24 requirements will affect the pupil's ability to gain admission to a
25 postsecondary educational institution.

26 (3) Provide information to the pupil about transfer opportunities
27 available through the California Community Colleges.

28 (4) Permit the pupil to stay in school for a fifth year to complete
29 the school district's graduation requirements upon agreement with
30 the pupil, if the pupil is 18 years of age or older, or, if the pupil is
31 under 18 years of age, upon agreement with the person holding
32 the right to make educational decisions for the pupil.

33 (c) To determine whether a pupil in foster care, or a pupil who
34 is a homeless child or youth, is in the third or fourth year of high
35 school, either the number of credits the pupil has earned to the
36 date of transfer or the length of the pupil's school enrollment may
37 be used, whichever will qualify the pupil for the exemption.

38 (d) (1) Within 30 calendar days of the date that a pupil in foster
39 care who may qualify for the exemption from local graduation
40 requirements pursuant to this section transfers into a school, the

1 school district shall notify the pupil, the person holding the right
2 to make educational decisions for the pupil, and the pupil's social
3 worker or probation officer of the availability of the exemption
4 and whether the pupil qualifies for an exemption.

5 (2) Within 30 calendar days of the date that a pupil who is a
6 homeless child or youth may qualify for the exemption from local
7 graduation requirements pursuant to this section transfers into a
8 school, the school district shall notify the pupil, the person holding
9 the right to make educational decisions for the pupil, and the local
10 educational agency liaison for homeless children and youth
11 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
12 the United States Code, of the availability of the exemption and
13 whether the pupil qualifies for an exemption.

14 (e) If a pupil in foster care, or a pupil who is a homeless child
15 or youth, is exempted from local graduation requirements pursuant
16 to this section and completes the statewide coursework
17 requirements specified in Section 51225.3 before the end of his or
18 her fourth year of high school and that pupil would otherwise be
19 entitled to remain in attendance at the school, a school or school
20 district shall not require or request that the pupil graduate before
21 the end of his or her fourth year of high school.

22 (f) If a pupil in foster care, or a pupil who is a homeless child
23 or youth, is exempted from local graduation requirements pursuant
24 to this section, the school district shall notify the pupil and the
25 person holding the right to make educational decisions for the
26 pupil how any of the requirements that are waived will affect the
27 pupil's ability to gain admission to a postsecondary educational
28 institution and shall provide information about transfer
29 opportunities available through the California Community
30 Colleges.

31 (g) A pupil in foster care, or a pupil who is a homeless child or
32 youth, who is eligible for the exemption from local graduation
33 requirements pursuant to this section and would otherwise be
34 entitled to remain in attendance at the school shall not be required
35 to accept the exemption or be denied enrollment in, or the ability
36 to complete, courses for which he or she is otherwise eligible,
37 including courses necessary to attend an institution of higher
38 education, regardless of whether those courses are required for
39 statewide graduation requirements.

1 (h) If a pupil in foster care, or a pupil who is a homeless child
2 or youth, is not exempted from local graduation requirements or
3 has previously declined the exemption pursuant to this section, a
4 school district shall exempt the pupil at any time if an exemption
5 is requested by the pupil and the pupil qualifies for the exemption.

6 (i) If a pupil in foster care, or a pupil who is a homeless child
7 or youth, is exempted from local graduation requirements pursuant
8 to this section, a school district shall not revoke the exemption.

9 (j) If a pupil in foster care is exempted from local graduation
10 requirements pursuant to this section, the exemption shall continue
11 to apply after the termination of the court's jurisdiction over the
12 pupil while he or she is enrolled in school or if the pupil transfers
13 to another school or school district.

14 (k) A school district shall not require or request a pupil in foster
15 care, or a pupil who is a homeless child or youth, to transfer schools
16 in order to qualify the pupil for an exemption pursuant to this
17 section.

18 (l) (1) A pupil in foster care, the person holding the right to
19 make educational decisions for the pupil, the pupil's social worker,
20 or the pupil's probation officer shall not request a transfer solely
21 to qualify the pupil for an exemption pursuant to this section.

22 (2) A pupil who is a homeless child or youth, the person holding
23 the right to make educational decisions for the pupil, or the local
24 educational agency liaison for homeless children and youth
25 designated pursuant to Section 11432(g)(1)(J)(ii) of Title 42 of
26 the United States Code, shall not request a transfer solely to qualify
27 the pupil for an exemption pursuant to this section.

28 (m) (1) A complaint of noncompliance with the requirements
29 of this section may be filed with the local educational agency under
30 the Uniform Complaint Procedures set forth in Chapter 5.1
31 (commencing with Section 4600) of Division 1 of Title 5 of the
32 California Code of Regulations.

33 (A) Within 30 days of receiving a complaint of noncompliance
34 with this section, the local educational agency shall conduct a
35 complete investigation and prepare a written local educational
36 agency decision. The investigation and decision shall comply with
37 the requirements of subdivisions (b) to (d), inclusive, of, and
38 paragraphs (1) to (7), inclusive, of subdivision (e) of, Section 4631
39 of Title 5 of the California Code of Regulations.

(B) Within five schooldays of receiving a complaint of noncompliance with this section regarding a pupil who is in the final grading period of the fourth year of school after enrollment in high school, the local educational agency shall conduct a complete investigation and prepare a written local educational agency decision. The investigation and decision shall comply with the requirements of subdivisions (b) to (d), inclusive, of, and paragraphs (1) to (7), inclusive, of subdivision (e) of, Section 4631 of Title 5 of the California Code of Regulations.

(2) A complainant not satisfied with the decision of a local educational agency may appeal the decision to the department pursuant to Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations and shall receive a written decision regarding the appeal within 60 days of the department's receipt of the appeal.

(A) If the complainant appeals a local educational agency decision regarding a complaint of noncompliance with this section for a pupil who is in the final grading period of the fourth year of school after enrollment in high school, the department shall issue a written decision regarding the appeal within 30 days of the department's receipt of the appeal.

(B) For all other appeals from local educational agency decisions related to this section, the department shall issue a written decision regarding the appeal within 60 days of the department's receipt of the appeal.

(3) Information regarding the requirements of this section shall be included in the annual notification distributed to, among others, pupils, parents or guardians of pupils, employees, and other interested parties pursuant to Section 4622 of Title 5 of the California Code of Regulations.

~~SEC. 5.~~

SEC. 6. Section 51225.2 of the Education Code is amended to read:

51225.2. (a) (1) For purposes of this section, "pupil in foster care" means a child who has been removed from his or her home pursuant to Section 309 of the Welfare and Institutions Code, is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code, or has been removed from his or her home and is the subject of a petition filed under Section 300 or 602 of the Welfare and Institutions Code.

1 (2) For purposes of this section, “pupil who is a homeless child
2 or youth” means a pupil who meets the definition of “homeless
3 child or youth” in Section 11434a(2) of Title 42 of the United
4 States Code.

5 (b) Notwithstanding any other law, a school district and county
6 office of education shall accept coursework satisfactorily completed
7 by a pupil in foster care or a pupil who is a homeless child while
8 attending another public school, a juvenile court school, or a
9 nonpublic, nonsectarian school or agency even if the pupil did not
10 complete the entire course and shall issue that pupil full or partial
11 credit for the coursework completed.

12 (c) The credits accepted pursuant to subdivision (b) shall be
13 applied to the same or equivalent course, if applicable, as the
14 coursework completed in the prior public school, juvenile court
15 school, or nonpublic, nonsectarian school or agency.

16 (d) A school district or county office of education shall not
17 require a pupil in foster care or a pupil who is a homeless child or
18 youth to retake a course if the pupil has satisfactorily completed
19 the entire course in a public school, a juvenile court school, or a
20 nonpublic, nonsectarian school or agency. If the pupil did not
21 complete the entire course, the school district or county office of
22 education shall not require the pupil to retake the portion of the
23 course the pupil completed unless the school district or county
24 office of education, in consultation with the holder of educational
25 rights for the pupil, finds that the pupil is reasonably able to
26 complete the requirements in time to graduate from high school.
27 When partial credit is awarded in a particular course, the pupil in
28 foster care or the pupil who is a homeless child or youth shall be
29 enrolled in the same or equivalent course, if applicable, so that the
30 pupil may continue and complete the entire course.

31 (e) A pupil in foster care or a pupil who is a homeless child or
32 youth shall not be prevented from retaking or taking a course to
33 meet the eligibility requirements for admission to the California
34 State University or the University of California.

35 (f) (1) A complaint of noncompliance with the requirements
36 of this section may be filed with the local educational agency under
37 the Uniform Complaint Procedures set forth in Chapter 5.1
38 (commencing with Section 4600) of Division 1 of Title 5 of the
39 California Code of Regulations.

1 (2) A complainant not satisfied with the decision of a local
2 educational agency may appeal the decision to the department
3 pursuant to Chapter 5.1 (commencing with Section 4600) of
4 Division 1 of Title 5 of the California Code of Regulations and
5 shall receive a written decision regarding the appeal within 60
6 days of the department's receipt of the appeal.

7 (3) Information regarding the requirements of this section shall
8 be included in the annual notification distributed to, among others,
9 pupils, parents or guardians of pupils, employees, and other
10 interested parties pursuant to Section 4622 of Title 5 of the
11 California Code of Regulations.

12 ~~SEC. 6.~~

13 *SEC. 7.* If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.